

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

ALTON W. CARTER,

Plaintiff,

v.

Case No: 2:20-cv-277-SPC-MRM

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER¹

Before the Court is Defendant Commissioner of Social Security's Unopposed Motion for Entry of Judgment with Remand ([Doc. 24](#)). The Commissioner believes the following is appropriate:

On remand, the Appeals Council will instruct an administrative law judge (ALJ) to take the following actions: (1) give further consideration to Plaintiff's use of a cane as required under SSR 96-9p; (2) reevaluate the opinion evidence, including the opinion of Dr. Sudha Meraney that Plaintiff needed a cane for "balance and support" (Tr. 1051); (3) offer Plaintiff the opportunity for a new hearing; and (4) issue a new decision.

([Doc. 24 at 1](#)). Plaintiff does not oppose the Motion.

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink's availability and functionality, and a failed hyperlink does not affect this Order.

Under 42 U.S.C. § 405(g), the Court has the power to enter judgment, reversing and remanding a social security case for rehearing. *See also Shalala v. Schaefer*, 509 U.S. 292, 296-98 (1993); *Melkonyan v. Sullivan*, 501 U.S. 89, 101-02 (1991). Given the parties' representations and agreement on the matter, the Court grants the Motion and remands for further proceedings. *See Morgan v. Astrue*, No. 2:11-cv-615-FtM-29SPC, 2012 WL 695840, at *1 (M.D. Fla. Mar. 1, 2012).

Accordingly, it is now

ORDERED:

1. Defendant's Unopposed Motion for Entry of Judgment with Remand (Doc. 24) is **GRANTED**.
2. Defendant's decision denying benefits is **REVERSED** and this case is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings.
3. If Plaintiff prevails on remand, Plaintiff must comply with the Court's November 14, 2012, standing order in Miscellaneous Case No. 6:12-mc-124-Orl-22.
4. The Clerk is **DIRECTED** to enter judgment, terminate all deadlines or pending motions, and close the file.

DONE and **ORDERED** in Fort Myers, Florida on February 12, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record